

ESTTA Tracking number: **ESTTA766167**

Filing date: **08/23/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Camposagrado, Inc.		
Entity	Corporation	Citizenship	Florida
Address	3439 ClubHeights Drive Colorado Springs, CO 80906 UNITED STATES		

Correspondence information	Joshua G. Gigger Stoel Rives LLP 201 South Main Street, Suite 1100 Salt Lake City, UT 84111 UNITED STATES tm-slc@stoel.com Phone:(801) 328-3131
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Registration Subject to Cancellation

Registration No	4638574	Registration date	11/11/2014
Registrant	YAPI, Inc. 78 Homestead Boulevard Mill Valley, CA 94941 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2014/05/00 First Use In Commerce: 2014/05/00 All goods and services in the class are cancelled, namely: Downloadable software in the nature of a mobile application for for locating, researching and purchasing the goods and services of others
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Grounds for Cancellation

Other	Registrant intentionally abandoned Registrant's Mark because Registrant no longer exists, is no longer using Registrant's Mark, has not transferred Registrant's Mark to an existing entity and has no bona fide intent to resume use of Registrant's Mark.
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Attachments	Petition for Cancellation.pdf(165687 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Joshua G. Gigger/
Name	Joshua G. Gigger
Date	08/23/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 4,638,574

Mark: FETCH

Registered: November 11, 2014

CAMPOSAGRADO, INC.

Petitioner,

V.

YAPI, INC.

Registrant.

CANCELLATION NO. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner, Camposagrado, Inc., is a corporation organized and existing under the laws of the State of Florida, with its principal place of business located at 3439 ClubHeights Dr., Colorado Springs, Colorado (hereinafter, "Petitioner"). Petitioner believes that it is and will continue to be damaged by the registration for the mark FETCH owned by Registrant, YAPI, Inc. (hereinafter, "Registrant"), in Registration No. 4,638,574 identified above, and hereby petitions for cancellation of the same. To the best of Petitioner's knowledge, Registrant was last located at 78 Homestead Blvd., Mill Valley, California 94941.

The grounds for the petition are as follows:

1. Registrant is the owner of record of United States Trademark Registration No. 4,638,574 for use of the trade mark FETCH with “downloadable software in the nature of a mobile application for locating, researching and purchasing the goods and services of others” in International Class 9 (“Registrant’s Mark”).

2. Petitioner owns United States Trademark Application Serial No. 86/781,073 for use of the trade mark F3TCH with the following goods and services:

Computer application software for mobile phones, namely, software for integrating mobile phones with hotel communication networks; computer application software for mobile phones, smart phones, laptops and tablets, namely, software for requesting and purchasing hotel products, services and activities; computer application software for mobile phones, smart phones, laptops and tablets, namely, software for enabling communications between hotels, guests and third parties; and computer application software for mobile phones, smart phones, laptops and devices, namely, software to allow hotel guests to perform electronic business transactions via a global computer network for products, services and activities available in, around or through the hotel in Class 9.

Providing temporary use of online non-downloadable software for integrating mobile phones, smart phones, laptops and tablets with hotel communication networks; providing temporary use of online non-downloadable software for hotel guests to request and purchase hotel products, services and activities; providing temporary use of online non-downloadable software for enabling communications between hotels, guests and third parties; and providing temporary use of non-downloadable software to allow hotel guests to perform electronic business transactions via a global computer network for products, services and activities available in, around or through the hotel in Class 42.

(“Petitioner’s Mark”).

3. Petitioner received office actions citing the Registrant’s Mark as a bar to registration of Petitioner’s Mark, and Petitioner believes that Petitioner’s Mark may be refused registration because of the Registrant’s Mark.

4. On information and belief, on or about December 11, 2015, Registrant filed a certificate of dissolution with the Delaware Division of Corporations and, as a result of this filing, the Delaware Division of Corporations dissolved Registrant and Registrant ceased to exist. A true and correct copy of a printout of the Delaware Division of Corporation's records for Registrant is attached hereto as Exhibit 1.

5. On information and belief, on or about the same date, Registrant surrendered its right to transact business in the State of California, the location of Registrant's last principal place of business. A true and correct copy of a printout from the California Secretary of State's records for Registrant is attached hereto as Exhibit 2.

6. On information and belief, Registrant did not assign Registrant's Mark to any existing entity. A true and correct copy of a printout from the United States Patent and Trademark Office's assignment records is attached hereto as Exhibit 3.

7. On information and belief, Registrant stopped using Registrant's Mark, including, without limitation, offering the mobile application associated with Registrant's Mark. A true and correct copy of a screenshot of (a) the error message received when attempting to access Registrant's website is attached hereto as Exhibit 4, and (b) the error message received when attempting to sign up to use the mobile application is attached hereto as Exhibit 5.

8. On information and belief, Petitioner avers that Registrant intentionally abandoned Registrant's Mark because Registrant no longer exists, is no longer using Registrant's Mark, has not transferred Registrant's Mark to an existing entity and has no bona fide intent to resume use of Registrant's Mark.

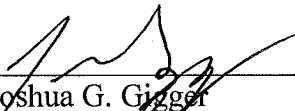
9. Petitioner will be damaged by the continued registration of United States Trademark Registration No. 4,638,574 in that it is preventing, or is likely to prevent, Petitioner from achieving registration of Petitioner's Mark.

WHEREFORE, Petitioner believes that it is and will continue to be damaged by the continued registration of Registrant's Mark, and prays that this Petition for Cancellation be sustained and that the registration for Registrant's Mark be cancelled, and for such other and further relief as may be deemed just and proper.

Dated: August 23, 2016

STOEL RIVES LLP

By:



Joshua G. Gigger
Attorneys for Petitioner
Stoel Rives LLP
One Utah Center
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111

cc: Camposagrado, Inc.

CERTIFICATE OF MAILING

I hereby certify that on August 23, 2016 a copy of the foregoing PETITION FOR CANCELLATION was mailed first-class, postage prepaid, to each of the following:

Registrant

YAPI, Inc.
78 Homestead Blvd.
Mill Valley, California 94941

Attorney for Registrant

Ryan E. Thomas
Goodwin Procter LLP
100 Northern Ave.
Boston, MA 02210

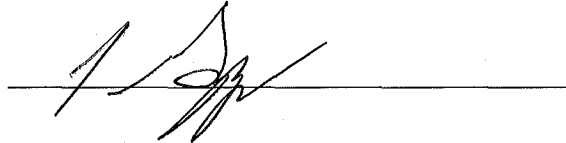


EXHIBIT 1

Department of State: Division of Corporations

[Allowable Characters](#)**HOME**[About Agency](#)
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[Submitting a Request](#)
[How to Form a New Business Entity](#)
[Certifications, Apostilles & Authentication of Documents](#)[Frequently Asked Questions](#) [View Search Results](#)**Entity Details**

File Number: 5379994 **Incorporation Date / Formation Date:** 8/7/2013 (mm/dd/yyyy)

Entity Name: YAPI, INC.

Entity Kind: Corporation **Entity Type:** General

Residency: Domestic **State:** State:

Status: Dissolved **Status Date:** 12/11/2015

REGISTERED AGENT INFORMATION

Name: THE CORPORATION TRUST COMPANY

Address: CORPORATION TRUST CENTER 1209 ORANGE ST

City: WILMINGTON **County:** New Castle

State: DE **Postal Code:** 19801

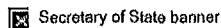
Phone: 302-658-7581

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EXHIBIT 2

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- [Business Search](#)
- [Processing Times](#)
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Main Page**Service Options****Name Availability****Forms, Samples & Fees****Statements of Information**
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- [Business Resources](#)
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Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, August 19, 2016. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	YAPI, INC.
Entity Number:	C3625739
Date Filed:	12/16/2013
Status:	SURRENDER
Jurisdiction:	DELAWARE
Entity Address:	78 HOMESTEAD BLVD
Entity City, State, Zip:	MILL VALLEY CA 94941
Agent for Service of Process:	THOMAS DAVID HADFIELD
Agent Address:	78 HOMESTEAD BLVD
Agent City, State, Zip:	MILL VALLEY CA 94941

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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EXHIBIT 3



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Assignments on the Web > [Trademark Query](#)

No assignment has been recorded at the USPTO

For Serial Number: 86212934

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5

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EXHIBIT 4



This site can't be reached

The connection was reset.

Try:

- Checking the connection
- Checking the proxy and the firewall

ERR_CONNECTION_RESET

Reload

DETAILS

EXHIBIT 5



* 87% 1:53 PM

Enter invite code to proceed to
registration, or enter your email to
join the waiting list

Enter Invite Code

Or

Sign Up

There was a problem reaching
the server. Please check your
internet connection and try
again.

OK